

**WASHINGTON STATE  
REAL ESTATE COMMISSION**

**WASHINGTON STATE GUIDELINES FOR ADVERTISING AND PROCURING PROSPECTS  
ON THE INTERNET**

**ADOPTED SEPTEMBER 19, 2000**

**I. Introduction:**

*Why are we doing this?*

- Provide standards for online practice by licensees and licensed firms that will enhance online real estate consumer protection.
- Provide a framework for licensed entities to create their own Internet Policies and Procedures that addresses and enforces appropriate online licensee practice.

*Who is our primary audience?*

- Washington Real Estate Licensees
- Real Estate Consumers
- Licensees from other jurisdictions
- Web site designers
- Internet Service Providers

**II. Disclosure:**

Licensed entities can use the Internet in multiple ways to contact consumers about real estate services and to advertise properties or their services. More ways to use the Internet are likely to be invented. "Licensee" and "Licensed Firm" disclosure will help to ensure that online consumers know when they are dealing with a licensed entity, who they are, and where their primary business office is located.

"Licensed Firm Disclosure" should contain the following information:

- a. the firm's name as registered with the regulatory agency of the jurisdiction that licensed it to do business (commonly recognized abbreviations are permitted)
- b. the city and state/province in which the firm is located, and
- c. the states/provinces in which the firm holds a real estate brokerage license.

"Licensee Disclosure" should contain the following information:

- a. the licensee's name
- b. the name of the firm in which the licensee is affiliated as that firm's name is registered with the regulatory agency of the jurisdiction that licensed it to do business (commonly recognized abbreviations are permitted)
- c. the city and state/province in which the licensee's office is located, and
- d. the states/provinces in which the licensee holds a real estate license.

"Full Disclosure" refers to both "licensed firm disclosure" and "licensee disclosure".

### ***Guidelines for on-line disclosure***

All Internet related advertising that consumers can view or experience, as a separate unit, (for example, e-mail messages or Web pages) should require full disclosure. The burden of proof of such prior full disclosures falls on the licensed entity when addressing a consumer complaint. This disclosure doesn't apply once an agency relationship has been established with a buyer or seller. Examples of online communications are listed below:

a.       The Web

Whenever a licensed entity owns a Web site or controls its content, every viewable page should include or link to (a single click away) a full disclosure. (A "viewable page" is one that may or may not scroll beyond the borders of the screen and includes the use of framed pages.)

b.       E-mail, Newsgroups, Discussion Lists, Bulletin Boards

Such formats should include a full disclosure at the beginning or end of each message.

This would not apply to communications between a licensee and a member of the public provided that the member of the public has sent a communication to the licensee and the licensee's initial communication contained the disclosure information required above.

c.       Instant Messages

Full disclosure is not necessary in this format if the licensed entity provided the written full disclosure via another format or medium (e.g., e-mail or letter) prior to providing, or offering to provide licensable services.

d.       Chat

Full disclosure prior to providing, or offering to provide, licensable services during the chat session or in text visible on the same Web page that contains the chat session if the licensed entity controls the Web site hosting the chat session.

e.       VON (Voice Over Net)

*Advertising-* "audible" full disclosure prior to the advertising message or disclosure text visible on the same Web page that contains the VON session (if applicable).

*Messaging-* "audible" full disclosure is not necessary if full written disclosure was provided via another medium (i.e. e-mail, letter) prior to providing, or offering to provide, licensable services.

f.       Multimedia Advertising (e.g. Web based, executable e-mail attachments, etc.)

Full disclosure should be visible as part of the advertising message.

g.       Banner Ads

Should link to (a single click away) a Web page that has full disclosure, unless the banner ad has such disclosure.

### **III.     Procuring Prospects "On-line"**

The Internet poses additional potential problem areas that may require caution on the part of licensees when procuring prospects.

- a. Licensees who own/maintain individual Web sites should ensure that when listings have expired, they are removed from Web sites in a timely manner. A possible solution to this problem might be to design a web site program to automatically remove a listing at expiration.
- b. Similarly, sites maintained by the multiple listing service of which the licensee is a member should be updated in a timely manner.
- c. Licensees, who submit information to third party sites, should provide written communication of any change of listing status to the publisher in a timely manner.
- d. Do not give the impression that you are licensed, or are providing services, in jurisdictions where you are not licensed: this may be solved by including the name of the jurisdiction(s) in which you are licensed.
- e. Licensed entities should not advertise other licensed entities' listings without the written permission and if given, should not alter the online display or any informational part of the listing without written permission of the listing broker.
- f. Metatags are descriptive words hidden in a Web site's HTML code that search engines use to index the Web site. Most sites use common words such as real estate, Washington, Canada, homes, houses, etc. Those uses are fine. But some Web site owners have also inserted their competitor's names into the metatags, so that when a potential customer searches for their site, the competitor's site will also come up as a match. This should not be done. Courts have ruled that this constitutes trademark infringement.
- g. All licensees shall periodically review the advertising and marketing information on their web site and update as necessary to assure that the information is current and not misleading.

#### **IV. Disclaimers:**

These guidelines are subject to change at any time and as practice on the Internet evolves additional guidelines may be added.

Licensees should be aware that all statutes and rules respecting advertising apply equally to the Internet. This would include web sites, e-mail, and any other potential "on-line" identification, representation, promotion, or solicitation to the public that is related to licensed real estate activity.

Licensees advertising on the Internet should seek legal advice regarding compliance with local, state and national regulations. Compliance with Washington State guidelines does not ensure compliance with other jurisdiction guidelines, laws or regulations.